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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/422,613	10/17/89	KUBERASAMPATH	CRPU42

EXAMINER

EDMUND R. PITCHER  
LAHIVE & COCKFIELD  
60 STATE STREET  
BOSTON, MA 02109

NUTTER, N

ART UNIT

PAPER NUMBER

153

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DATE MAILED:

02/02/90

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined       Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 1 month(s), 0 day(s) from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice re Patent Drawing, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, Form PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

Part II SUMMARY OF ACTION

1.  Claims 1-34 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims \_\_\_\_\_ are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims 1-34 are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable.  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been  approved by the examiner.  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed on \_\_\_\_\_, has been  approved.  disapproved (see explanation).

12.  Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other \_\_\_\_\_

EXAMINER'S ACTION

Art Unit 153

This application does not contain an Abstract of the Disclosure as required by 37 CFR 1.72(b). An Abstract on a separate sheet is required.

If applicant desires priority under 35 U.S.C. 120 based upon a parent application, specific reference to the parent application must be made in the instant application. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph. Status of the parent application (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "Patent No." should follow the filing date of the parent application. If a parent application has become abandoned, the expression "abandoned" should follow the filing date of the parent application.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-19, drawn to a matrix for implantation, classified in Class 530, subclass 356.

II. Claims 20-34, drawn to a method for manufacturing a matrix, classified in Class 530, subclasses 412+.

The inventions are distinct, each from the other, because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different products, or (2) the product as claimed can be made by another and materially different process. (MPEP 806.05(f)).

In the instant case, the product as claimed can be

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made by a materially different process such as by recombinant means.

Because these inventions are distinct for the reasons given above, and have acquired a separate status in the art because of their recognized divergent subject matter and as shown by their different classification restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed. (37 CFR 1.143).

A telephone call was made to Edmund R. Pitcher on 30 January 1990 to request an oral election to the above restriction requirement, but did not result in an election being made.

Nutter:pla  
(703) 557-6525  
02/01/90

*Nathan M. Nutter*

NATHAN M. NUTTER  
PATENT EXAMINER  
ART UNIT 153



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Applicant(s): \_\_\_\_\_

Serial Number: 422 613

Filing Date: 10-17-89

Title: \_\_\_\_\_

## NOTICE OF INFORMAL APPLICATION

(Attachment to Office Action)

This application does not conform with the rules governing applications for the reason(s) checked below. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A. A new oath or declaration, identifying this application by the serial number and filing date is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:

1.  was not executed in accordance with either 37 CFR 1.66 or 1.68.
2.  does not identify the city and state or foreign country of residence of each inventor.
3.  does not identify the citizenship of each inventor.
4.  does not state whether the inventor is a sole or joint inventor.
5.  does not state that the person making the oath or declaration:
  - a  has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b.  believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
  - c.  acknowledges the duty to disclose information which is material to the examination of the application in accordance with 37 CFR 1.56(a).
6.  does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
7.  does not state that the person making the oath or declaration acknowledges the duty to disclose material information as defined in 37 CFR 1.56(a) which occurred between the filing date of the prior application and filing date of the continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).
8.  does not include the date of execution.
9.  does not use permanent ink, or its equivalent in quality, as required under 37 CFR 1.52(a) for the:  signature  oath/declaration.
10.  contains non-initialed alterations (See 37 CFR 1.52(c) and 1.56).
11.  does not contain the clause regarding "willful false statements..." as required by 37 CFR 1.68.
12.  Other: \_\_\_\_\_

B. Applicant is required to provide:

1.  A statement signed by applicant giving his or her complete name. A full name must include at least one given name without abbreviation as required by 37 CFR 1.41(a).
2.  Proof of authority of the legal representative under 37 CFR 1.44.
3.  An abstract in compliance with 37 CFR 1.72(b). *Missing*
4.  A statement signed by applicant giving his or her complete post office address (37 CFR 1.33(a)).
5.  A copy of the specification written, typed, or printed in permanent ink, or its equivalent in quality as required by 37 CFR 1.52(a).
6.  Other: \_\_\_\_\_